

### **REMARKS/ARGUMENTS**

In the Office Action mailed June 1, 2007, claims 1-24 are pending in the application. Claims 1-24 were rejected. Claim 6 has been re-written in independent form. Applicants have thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the references cited therein. The following remarks are believed to be fully responsive to the Office Action. All of the pending claims at issue are believed to be patentable over the cited references.

### **CLAIM REJECTIONS - 35 U.S.C. §103(a)**

The Examiner rejected claims 1-18<sup>1</sup> stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication Number 2002/0065879 A1 to Ambrose, *et al.* ("Ambrose") in view of U.S. Patent No. 6,510,468 B1 to Hayne ("Hayne"). The Applicants respectfully traverse.

The Examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. *MPEP* § 2142. To establish a prima facie case of obviousness, three criteria must be met. First, there must be some suggestion or motivation, to modify the references or to combine reference teachings. Second, there must be reasonable expectation of success. Finally, the prior art must teach all the claim limitations. *MPEP* § 2142.

Ambrose discloses a web based client-server system with thin client architecture, and a method of connecting a client and one or more servers in a client server network. Ambrose, ¶¶ 8, 3. Furthermore, Ambrose discloses using Siebel Enterprise Server and not a Baan server to implement the disclosed method. Ambrose, ¶ 96. Hayne discloses a method for displaying

information located in a mainframe computer over the Internet using web pages. Hayne, col. 2, lines 21-37.

Ambrose does not disclose a Baan server, or at least one Baan session object, as disclosed and claimed in claims 1-24 of the present application. Hayne also does not disclose a Baan server as disclosed and claimed in claims 1-24 of the present application, and thus, does not remedy this deficiency of Ambrose. Furthermore, there is no suggestion or motivation to modify Ambrose and Hayne to substitute a Baan Server for a Siebel Enterprise Server. Finally, one of ordinary skill in the art would not know to modify Ambrose and Hayne by substituting a Baan Server for a Siebel Enterprise Server. Thus, neither Ambrose nor Hayne, either separately or in combination, disclose all the elements of claims 1-24 of the application.

In view of the discussion above regarding Ambrose and Hayne, independent claims 1, 6, 11, and 17 are believed to be directed to patentable subject matter. Dependent claims 2-5, 7-10, 12-16, and 18-24 depend directly or indirectly from one of independent claims 1, 6, 11, and 17, and define patentable subject matter at least by virtue of their dependency as well as for the additional features they recite. Accordingly, withdrawal of the rejections under 35 U.S.C. §103(a) is respectfully requested.

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(continued)

<sup>1</sup> The is apparently a typographical error. The Office Action states that the rejection under 35 U.S.C. § 103(a) over Ambrose and Hayne is only for claims 1-18, however, the Office Action rejects all of claims 1-24 over Ambrose and Hayne.

Official Notice

Regarding claim 6, while the Applicants agree that neither Ambrose nor Hayne disclose that a Baan server provides data services for automotive service applications, the Applicants respectfully traverse the Examiner's assertion of Official Notice. As stated in MPEP § 2144.03,

It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. For example, assertions of technical facts in the areas of esoteric technology or specific knowledge of the prior art must always be supported by citation to some reference work recognized as standard in the pertinent art.

*In re Ahlert*, 424 F.2d 1088, 1091 (C.C.P.A. 1970). The Office Action cites Official Notice relating to the art of using a Baan server for automotive service applications. However, Applicants argue that, because using a Baan server for automotive service applications is not capable of instant and unquestionable demonstration as being well known, the citation of Official Notice is improper.

Regarding claim 11, while the Applicants agree that neither Ambrose nor Hayne disclose using Active Server Pages to build web pages to access the Internet, Applicants respectfully traverse the Examiner's assertion of Official Notice. Applicants argue that, because using Active Server Pages to build web pages to access the Internet is not capable of instant and unquestionable demonstration as being well known, the citation of Official Notice is improper.

Regarding claim 15, while the Applicants agree that neither Ambrose nor Hayne disclose using a CITRIX access program, Applicants respectfully traverse the Examiner's assertion of Official Notice. Applicants argue that, because using a CITRIX access program is not capable of instant and unquestionable demonstration as being well known, the citation of Official Notice is improper.

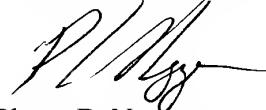
Regarding claim 20, while the Applicants agree that neither Ambrose nor Hayne disclose using a Baan server for financial, manufacturing, and distribution service applications, Applicants respectfully traverse the Examiner's assertion of Official Notice. Applicants argue that, because using a Baan server for financial, manufacturing, and distribution service applications is not capable of instant and unquestionable demonstration as being well known, the citation of Official Notice is improper.

### **CONCLUSION**

In view of the foregoing remarks, Applicants respectfully request all the objections and rejections to the specification and claims be removed. If, for any reason, the Examiner disagrees, please call the undersigned attorney at 202-861-1610 in an effort to resolve any matter still outstanding before issuing another action. The undersigned attorney is confident that any issue which might remain can readily be worked out by telephone.

In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account Number 50-2036 with reference to Attorney Docket No.87354.3161.

Respectfully submitted,  
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